

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUBEN RICHARD CRAIG, III,	)	
	)	
Petitioner,	)	
	)	Case No. 1:09-cv-276-SJM-SPB
v.	)	
	)	
DIGUGLIELMO, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on November 2, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on September 16, 2011 [17], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability also be denied. The parties were allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Graterford, where he is incarcerated, and on Respondents. Petitioner's objections [20] were filed on November 14, 2011. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 15th day of November, 2011;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is DENIED. Inasmuch as jurists of reason would not find it debatable whether Petitioner has failed to make a substantial showing of the denial of a constitutional right, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter dated September 16, 2011 [17], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

Cm: All parties of record.

U.S. Magistrate Judge Susan Paradise Baxter